

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

STACY ARNOLD, )  
)  
Plaintiff, )  
)  
v. )  
)  
CITY OF ST. JOSEPH, ST. JOSEPH )  
PUBLIC LIBRARY, OFFICER REBECCA )  
HAILEY in her personal and professional )  
capacity and, ROGER CLARY, )  
)  
Defendants. )

Case No. 5:19-CV-06137-BP

**DEFENDANT ROGER CLARY’S MOTION FOR SUMMARY JUDGMENT.**

COMES NOW, Defendant Roger Clary (“Mr. Clary”), by and through his attorneys, and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, submit his Motion for Summary Judgment on Plaintiff’s claim of conspiracy between Mr. Clary and the City of St. Joseph Public Library (hereinafter the “Library”) as alleged in Count IV of Plaintiff’s *First Amended Complaint*. In support thereof states as follows:

1. This lawsuit arises out of Plaintiffs’ *First Amended Complaint* alleges that Mr. Clary: (1) violated Plaintiff’s Constitutional Right to Free Speech (Count I); (2) conspired with St. Joseph Public Library to deprive Plaintiff of her First Amendment rights (Count IV); and (3) conspired with Defendant Officer Rebecca Hailey to deprive Plaintiff of her right to due process and equal protection under the law (Count IV). (Doc. # 19)
2. This Court issued an *Order* granting Mr. Clary’s Motion to Dismiss Plaintiff’s Count I and Count IV alleging a conspiracy between Mr. Clary and Defendant Officer Rebecca Hailey. (Doc. # 43.)

3. Mr. Clary now moves for summary judgement on Plaintiff's only remaining claim against Mr. Clary is the conspiracy claim with the Library as found under Count IV (the "remaining claim").

4. Summary judgement is proper when the movant displays that there is no genuine issue of material fact and that the moving party is entitled to judgement as a matter of law. *See Williams v. City of St. Louis*, 783 F.2d 114, 115 (8th Cir. 1986).

5. Plaintiff has failed to allege with particularity and specifically demonstrate material facts that Mr. Clary and the Library reached an agreement as required to survive a motion for summary judgment when pursuing a conspiracy claim pursuant to 42 U.S.C. § 1983. *See Reasonover v. St. Louis Cnty., Mo.*, 447 F.3d 569, 582 (8th Cir. 2006).

6. Further, Plaintiff has failed to establish material facts that Mr. Clary and the Library reached a meeting of the minds directed toward an unconstitutional action as required to survive a motion for summary judgment when pursuing a conspiracy claim pursuant to 42 U.S.C. § 1983. *See Kelly v. City of Omaha*, 813 F.3d 1070, 1078 (8<sup>th</sup> Cir. 2016).

7. Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1(a), a statement of the material facts as to which Mr. Clary contends there is no genuine issue of material fact and which entitle Mr. Clary to judgment as a matter of law is set forth in the Suggestions in Support of this Motion filled simultaneously with this Motion.

WHEREFORE, Mr. Clary respectfully requests that this Court enter an order granting his Motion for Summary Judgment, entering judgement in Mr. Clary's favor and against Plaintiff on

the grounds set forth above, and as further argued in the accompanying Suggestions in Support, and granting any other and further relief it deems just and appropriate.

Respectfully Submitted,

**BEAM-WARD, KRUSE,  
WILSON & FLETES, LLC.**

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ATTORNEYS FOR ROGER CLARY.

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was filed with the Court via ECF filing system on March 13, 2020, and a copy of the foregoing was sent via electronic mail to:

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